

From: Peter Burkholder
To: Microsoft ATR
Date: 1/22/02 6:58pm
Subject: Microsoft Settlement

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Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Dear Ms. Hesse:

I would like to register my opposition to the proposed remedy in its current form. My comments are based on twelve years experience as a software developer, systems administrator and security manager on a variety of hardware platforms and operating systems. Although the problems with the Proposed Final Judgement (PFJ) are many, I will only cite a few here.

1) The PFJ does not require Microsoft to release the format specification for Microsoft Office documents. These formats for spreadsheets (Excel), documents (Word) and presentations (Powerpoint) have become a de facto standard. Competitors in the marketplace need to interoperate with these formats and need access to the format specifications well before changes are released on the market.

2) The PFJ does not prohibit anti-competitive license terms with 'enterprise' users such as universities, corporations or state and local governments. The license agreements are often written on a "per-processor" basis, and remove incentive to use non-Microsoft operating systems on the covered hardware platforms. Such per-processor licenses were prohibited by the 1994 consent decree for OEMS, and should be extended to all end-users.

3) The PFJ defines API narrowly, excluding many important interfaces to the operating system. It should be extended beyond middleware to include all Windows APIs and all network interface protocols, including Microsofts extensions to the Kerberos authentication protocol.

Further discussion of the PFJ's shortcomings are detailed in a comment from my colleague Dan Kegel. I urge that this remedy be thoroughly revised to adequately curtail Microsoft's historic and continuing anti-competitive practices.

Yours sincerely,

Peter Burkholder

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